IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.3622/2006
Rajasthan State Road Transport Corporation Ltd.
V/s
Umesh Kumar & anr.

Date of order : : 20.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Ms.Shruti Pareek, for the appellant.

This appeal has been filed by the Rajasthan State Road Transport Corporation (For short “the RSRTC”) against the award dated 20.7.2006 in MAC case No.(400/03) 624/05 passed by the MACT cum Additional District Judge (Fast Track) No.3, Jhunjhunu.

The facts, in brief, of the case are that in an accident which took place on 3.7.2003, the Indica car No.RJ 18C 4300 of the claimant was damaged.

The Claims Tribunal awarded Rs.1,30,654/- for damage of the car. Apart from the aforesaid amount, the Claims Tribunal further awarded Rs.1346/- towards other expenses. In all compensation of Rs.1,32,000/- has been awarded by the Claims Tribunal subject to filing of the registration certificate of the car before the Court or before the RSRTC.

The submission of counsel for the appellant is

that without registration certificate, the Claims Tribunal ought not to have entertained the claim of damages of the car.

In my view, the said issue is not of much importance in appeal as the Claims Tribunal itself safeguarded the rights of the Roadways by directing the claimant to produce the registration certificate either before the Claims Tribunal or before the RSRTC. However, the claim was accepted on the ground of receipt of ownership of the car (Ex.11) from Roshan Motors Pvt. Ltd. dated 23.4.2001 amounting to Rs.3,49,002/-. Other documents of the damage of the car were also filed, which have been properly considered by the Claims Tribunal.

In view of above, the Claims Tribunal has not committed any kind of error.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-